

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION

In Re:)	
)	Bankruptcy Case No. 15-50155 C-13W
CHRISTY MARIE READY,)	
)	Chapter 13
<u>Debtor.</u>)	

**OBJECTION TO CONFIRMATION OF CHAPTER 13
PLAN AND REQUEST FOR HEARING**

NOW COMES Patrick Ready ("Ready"), by and through undersigned counsel, and hereby objects to the confirmation of the Chapter 13 plan of the Debtor pursuant to 11 U.S.C. § 1325 on the basis that it was not proposed in good faith and hereby shows the Court as follows:

1. Patrick Ready is the ex-husband of the Debtor.
2. The Debtor, through counsel, filed a domestic lawsuit, entitled *Christy Ready v. Patrick Ready*, Mecklenburg County, North Carolina File No. 06-CVD-1898.
3. The Debtor and Ready entered into a Consent Judgment on or about October 3, 2006. The Consent Judgment awarded the Debtor exclusive possession of the former marital home located at 5421 Waverly Lynn Lane, Charlotte, North Carolina 28269 (hereinafter "the Property") and stated that the Debtor would be solely responsible for payment of the mortgage and any second mortgages or equity lines related to the Property.
4. Further, the Consent Judgment stated that the Debtor would make her best efforts to refinance the listed loan within two years and if not accomplished within three years the Property would be listed for sale.
5. Mr. Ready was in active duty from January 1, 2011 to January 1, 2012 out of the country and was not aware the mortgage payment had not been made by his ex-wife.
6. On or about February 7, 2008, the Debtor filed a Voluntary Petition under Chapter 7 of the Bankruptcy Code in the Western District of North Carolina, Charlotte Division (*In re: Christy M. Ready*; Bankruptcy Case No. 08-30234).
7. On or about January 30, 2013, Ready filed a Motion for Contempt and Judicial Assistance against the Debtor. The Contempt Order was entered on or about April 16, 2013. In this Order, the Court found that the Debtor was in Contempt and ordered the Debtor to pay on-going payments on the balance owed on the mortgages through June 15, 2013 (including amounts owed that were attached to the end of the mortgage via forbearance), interest and attorney fees that had accrued.

8. Thereafter, the Debtor defaulted on the payments and Mr. Ready filed a Motion for criminal and civil contempt against Debtor for violation of the Order.

9. To avoid active jail time for failure to pay, the parties entered into a Consent Order Regarding Payment of Arrears on Mortgages and Other Expenses (hereinafter "Consent Order"). The Consent Order awarded Patrick Ready \$60,840.00 to be paid by the Debtor.

10. The Consent Order provided that the Debtor was to make payments of \$200.00 and then increase those payments after October 2014 to avoid contempt.

11. Debtor has made sixteen (16) payments on this Order and currently owes \$57,620.00.

12. Debtor filed her current Chapter 13 case in order to avoid payment of the Contempt Order.

13. A review of the Debtor's Chapter 13 plan shows that after the Trustee's commission and attorney fees, almost nothing would be paid to unsecured creditors.

14. Based on the foregoing, it is clear that the Debtor's plan is not proposed in good faith and should be dismissed per 11 U.S.C. §365 for failure of Debtor to file in good faith.

WHEREFORE, Patrick Ready prays that the Court deny confirmation of the Debtor's plan as proposed and that the Court grant such other and further relief as may be just and proper.

This the 8th day of May, 2015.

BURT & CORDES, PLLC

By: /s/ Stacy C. Cordes
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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of May, 2015, I electronically filed the foregoing Objection to Confirmation and Request for Hearing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following parties:

U.S. Bankruptcy Administrator

John A. Meadows
Counsel for the Debtor

Kathryn L. Bringle
Chapter 13 Trustee

This the 8th day of May, 2015.

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